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Sen. Brown's legislation to protect property owners signed into law

LANSING – Legislation sponsored by Sen. Cameron S. Brown, R-Fawn River Township, to protect the rights of property owners across Michigan, was signed into law today.

Brown introduced Senate Bill 693, now Public Act 368, after the surprising 2005 U.S. Supreme Court decision that allowed for the seizure of private property for economic development projects.

“Last year’s Supreme Court ruling placed private property rights in jeopardy,” Brown said. “But today, we have made it clear that those rights are cherished, respected and protected in Michigan.”

The 5-4 *Kelo vs. City of New London* decision of 2005 upheld a Connecticut city’s effort to force several residents to sell their homes so they could be demolished to make room for an office complex. According to the majority opinion, the decision was made based on cases in which the court previously interpreted “public use” to include urban revitalization and land redistribution in addition to more traditional projects such as bridges and highways.

The court also ruled that states and municipalities have the right to make their own individual laws regarding the seizure of private property for the public good.

“If we had not acted, the type of government seizure took place in Connecticut might have been attempted in Michigan,” Brown said. “This law will protect the rights the U.S. Supreme Court chose not to.”

Brown’s bill codifies in statute the 2004 Michigan Supreme Court *Wayne Co. vs. Hathcock* decision, which identified extremely limited circumstances in which a taking of private property for private use is acceptable.

The bill also places the burden of proving public use upon the condemning authority.

“This law codifies what our own Michigan Supreme Court has so appropriately ruled – private property should not be taken for private economic development purposes or for bolstering tax revenues,” Brown said.

Michigan voters will have the opportunity to place similar language in the state constitution this November when they consider Proposal 4.